

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**THIRTY-NINTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 15, 2007**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Little, absent on legislative business and formally excused by the Chair; and Senators Broadsword, Cameron, Keough, Langhorst, Richardson, Stegner, Stennett, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Ben Larsen, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 14, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

### Reading of Communications

Senators Broadsword, Stegner, and Stennett were recorded present at this order of business.

January 10, 2007

The Honorable Jim Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

Pursuant to Section 67-6622, *Idaho Code*, I submit from the records of this office the enclosed listing of the names of the lobbyists registered under the law.

If we may be of assistance to you in regards to this listing, do not hesitate to contact this office.

Sincerely,  
/s/ Ben Ysursa  
Secretary of State

The correspondence and listing were ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Keough, Richardson, and Werk were recorded present at this order of business.

February 15, 2007

The JUDICIARY AND RULES Committee reports that **S 1156**, **S 1157**, and **S 1158** have been correctly printed.

DARRINGTON, Chairman

**S 1156** was referred to the Commerce and Human Resources Committee.

**S 1157** was referred to the State Affairs Committee.

**S 1158** was referred to the Health and Welfare Committee.

February 14, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 101** was delivered to the Office of the Secretary of State at 2:01 p.m., February 14, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 14, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **S 1086** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1086** was filed for second reading.

February 14, 2007

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Toni Hardesty as Director of the Department of Environmental Quality, term to expire at the pleasure of the Governor.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1056** with the recommendation that it do pass.

HILL, Chairman

**S 1056** was filed for second reading.

February 14, 2007

The STATE AFFAIRS Committee reports out **H 32** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

McKENZIE, Chairman

There being no objection, **H 32** was referred to the Fourteenth Order of Business, General Calendar.

February 14, 2007

The STATE AFFAIRS Committee reports out **S 1085** with the recommendation that it do pass.

McKENZIE, Chairman

**S 1085** was filed for second reading.

February 14, 2007

The HEALTH AND WELFARE Committee reports out **S 1096** and **S 1102** with the recommendation that they do pass.

LODGE, Chairman

**S 1096** and **S 1102** were filed for second reading.

February 14, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Roy E. Decker to the Bingo-Raffle Advisory Board, term to expire January 2, 2010.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

## Messages from the Governor

Senator Langhorst was recorded present at this order of business.

February 14, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1007, S 1021, S 1036**

As Always, Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 14, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Thomas E. Limbaugh of Fruitland, Idaho, was appointed as a member of the Idaho Industrial Commission to serve a term commencing January 1, 2007, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

## Messages from the House

February 14, 2007

Mr. President:

I transmit herewith **HJM 2**, **HCR 11**, and **HCR 12** which have passed the House.

JUKER, Chief Clerk

**HJM 2, HCR 11, and HCR 12** were filed for first reading.

February 14, 2007

Mr. President:

I transmit herewith Enrolled **H 37, H 38, and H 77** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 37, H 38, and H 77** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senator Cameron was recorded present at this order of business.

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Evan Frasure was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Evan Frasure as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Max Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Werk, the Gubernatorial appointment of Max Black as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Education Committee report relative to the Gubernatorial appointment of Alan Reed was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Gannon, seconded by Senator Burkett, the Gubernatorial appointment of Alan Reed as a member of the Public Charter School Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Education Committee report relative to the Gubernatorial appointment of Joe de Vera was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Fulcher, seconded by Senator Burkett, the Gubernatorial appointment of Joe de Vera as a member of the Public Charter School Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1159**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO ACKNOWLEDGMENTS OF WRITTEN INSTRUMENTS; AMENDING SECTION 51-107, IDAHO CODE, TO REVISE THE POWERS AND JURISDICTION OF A NOTARY PUBLIC AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 51-109, IDAHO CODE, TO PROVIDE FOR THE CERTIFICATION OF THE AFFIXATION OF A SIGNATURE BY MARK, TO PROVIDE FOR A SIGNATURE BY A NOTARY FOR A PERSON PHYSICALLY UNABLE TO SIGN OR SIGN BY MARK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-712A, IDAHO CODE, TO PROVIDE FOR A CERTIFICATE OF ACKNOWLEDGMENT BY A PERSON SIGNING BY MARK; AND AMENDING CHAPTER 7, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-712B, IDAHO CODE, TO PROVIDE FOR A CERTIFICATE OF ACKNOWLEDGMENT BY A PERSON PHYSICALLY UNABLE TO SIGN OR SIGN BY MARK.

#### **S 1160**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO JUDGES; AMENDING SECTION 1-805, IDAHO CODE, TO INCREASE THE NUMBER OF DISTRICT JUDGES IN THE FOURTH JUDICIAL DISTRICT BY ONE JUDGE AND TO REVISE THE NUMBER OF RESIDENT CHAMBERS ACCORDINGLY.

#### **S 1161**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO BAIL; AMENDING SECTION 19-2927, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE FORFEITURE OF BAIL.

**S 1159, S 1160, and S 1161** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HJM 2**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**HCR 11**, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**HCR 12**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1001, S 1002, S 1003, and S 1043**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

**S 1090, S 1091, and S 1092**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**H 69, H 70, H 14, and H 79**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 19** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 19** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 20** retained its place on the Third Reading Calendar.

**H 21** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 21** passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Geddes called Senator Darrington to the Chair.

**H 93** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 93** passed, title was approved, and the bill ordered returned to the House.

**S 1077** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1077** passed, title was approved, and the bill ordered transmitted to the House.

**S 1078** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1078** passed, title was approved, and the bill ordered transmitted to the House.

**S 1081** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1081** passed, title was approved, and the bill ordered transmitted to the House.

**S 1067** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1067** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Friday, February 16, 2007.

ROBERT L. GEDDES, President Pro Tempore

Attest: RUSTI HORTON, Assistant Secretary